

# **Chevy Chase Village Board of Managers**

**January 9, 2006**

## **BOARD OF MANAGERS**

George L. Kinter, Chair	Present
Douglas B. Kamerow, Vice Chair	Present
Susie Eig, Secretary	Absent
Gail S. Feldman, Treasurer	Present
Betsy Stephens, Assistant Treasurer	Present
David L. Winstead, Board Member	Present
Peter M. Yeo, Board Member	Absent

## **STAFF**

David R. Podolsky, Legal Counsel	Present
Geoffrey B. Biddle, Village Manager	Present
Roy A. Gordon, Police Chief	Absent
Margot Hawkins-Green, Police Officer	Present
Shana R. Davis-Cook, Manager of Administration	Present
Michael W. Younes, Administrative Assistant	Present

George L. Kinter, Chair of the Chevy Chase Village Board of Managers, called the meeting to order at 7:30 p.m. Ms. Eig and Mr. Yeo were absent.

## **Approval of Minutes from the December 12, 2005 Board Meeting**

Ms. Eig submitted a change prior to the meeting to page 11, line 19 to delete the word “only” after “be removed”.

**Ms. Stephens made a motion to approve the minutes of the December 12, 2005 Board Meeting as amended. Dr. Kamerow seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Feldman and Ms. Stephens voted in favor of the motion. Mr. Winstead did not vote as he was absent from the December 12, 2005 meeting. The motion passed.**

## **Treasurer’s Report**

Copies of the Treasurer’s report were distributed to the Board prior to the meeting. Ms. Feldman advised that the report showed a less-than budgeted deficit. The Budget Committee met the previous week and new Chair, Samuel Lawrence, provided an orientation for the newly appointed members. The Committee’s next meeting, on January 19, will focus on the revenue side of the budget. Discussion followed.

## **Committee Reports**

### **Building Facilities Commission**

Mary Anne Tuohey, Chair of the Building Facilities Commission, stated that the Commission met earlier in the day and that staff liaison, Doris Lyrly, reported on the status of the classes.

Ms. Tuohey provided additional information regarding the adult and children's classes. Ms. Stephens asked if the classes could be advertised to the neighboring municipalities. Ms. Tuohey responded that the classes in the Hall are primarily for Village residents. If classes need additional enrollment, the students are asked to encourage their friends within the Village to sign-up.

Ms. Tuohey stated that co-Chair of the Committee on Children, Youth and Families, Karen Spangler, reported on the success of the Sandwich Making Event that benefited *Martha's Table*. The Movie Nights and Parents' Nights Out continue to be successful. The Committee is looking for an activity for boys aged 8-11. A babysitting class is scheduled for the end of January.

Ms. Tuohey stated that Elizabeth Bausch, moderator of the weekly Toddler Group, will be unavailable to continue her responsibilities effective this coming September. The Commission is currently seeking a new moderator.

Ms. Lyerly and John Huffstetler drafted a diagram of the rental spaces' electrical circuitry which is now available to renters. This assists renters in understanding the electrical capacity available for their equipment.

The Commission also approved changes to the rental regulations and continues to modify the language to make it clearer and to encompass all available furniture and equipment. They are also modifying the regulations to require that renters cancel their event no less than 30 days prior to the scheduled date in order to receive a refund of the fees paid. Discretion will be used with this policy.

Ms. Tuohey advised the Board that there have been issues in regard to the "sponsorship" procedures which currently require Village residents to complete and sign the paperwork and pay all of the fees when the Hall is rented for non-residents. The resident is required to be in attendance for the entire event, but there is no way to guarantee that this is being done. Discussion followed on ways to remedy this issue. The Commission will continue to monitor the situation.

### **Brookville Road Working Group**

Dr. Kamerow, Chair of the Brookville Road Working Group, stated that the Group met on December 13 and agreed that the first step in identifying pedestrian safety measures for the roadway is to have it surveyed. The first phase of the survey will identify the abutting property lines and the second phase will itemize all physical attributes along the roadway (i.e., electric poles, trees, signs, etc.). Of the three companies from whom proposals were received, the engineering firm Rummel, Klepper and Kahl was the only company to include all necessary components for the survey and has experience working with the State Highway Administration. The survey is expected to take approximately 3 weeks, unless inclement weather delays the work. Discussion followed.

**Dr. Kamerow made a motion to amend the budget to allocate \$40,000 from reserves to a Brookville Road line item to fund surveying of Brookville Road. Ms. Feldman seconded**

**the motion. Mr. Kinter, Dr. Kamerow, Ms. Feldman, Ms. Stephens and Mr. Winstead voted in favor of the motion. The motion passed.**

**Dr. Kamerow made a motion to approve entering into a contract with Rummel, Klepper & Kahl for surveying of Brookville Road. Mr. Kinter seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Feldman, Ms. Stephens and Mr. Winstead voted in favor of the motion. The motion passed.**

#### **Decisions on Previous Appeals**

None.

#### **Appeals**

None.

#### **Old Business**

##### **Connecticut Avenue Restoration—Private Fundraising**

Lee Jundanian, Rob Josephs, and Catherine West were in attendance to present their initiative which was originally proposed by Mr. Biddle. The group seeks to form a tax-deductible foundation to which individuals may donate private funds toward the restoration of Connecticut Avenue. The project includes burying the utility and communications lines, removing the utility poles, installing pedestrian lampposts, landscaping, tree planting and restoring the sidewalks. They felt the project should be undertaken to help support the original concept of Senator Francis Newlands for a beautiful landscaping along Connecticut Avenue. The plan would raise approximately \$1 million to \$1.5 million toward the realization of the plan. Mr. Josephs explained that they were seeking approval from the Board to pursue fundraising for the project. The Board stated that they supported the initiative and thanked the group for its efforts.

Mr. Podolsky advised that additional research would need to be done to ensure that donations to a foundation and/or direct donations to the Village would be tax-deductible for all parties, including donations from owners of properties adjoining the roadway. Ms. West explained that once the mechanism for receiving donations is established, the logistics for collection of the funds would be worked out. While the project itself is expected to be stretched over 5 years, the first phase of the project could be performed within a 9-month timeframe so immediate results are seen by donors. Mr. Josephs stated that the initiative should be able to raise approximately 2/3 of the estimated cost of the complete project.

Mr. Winstead advised that PEPCO has a corporate foundation that might donate funds to the project as well. He also inquired if Messrs. Biddle and Podolsky were aware if any other municipalities had formed tax-deductible foundations for specific projects. Mr. Biddle replied that Montgomery County had formed a foundation for the Strathmore Arts Center. Mr. Podolsky added that the City of Rockville formed a corporation for their senior center in order to receive donations.

Ms. Stephens inquired if the group had thought about ways to recognize large donations, such as name plaques. Ms. West stated that they had briefly discussed some options. Mr. Winstead

suggested a central display location as opposed to recognition plaques along the full length of the roadway. He also suggested Mr. Biddle speak with Congressman Christopher Van Hollen to see if the federal government would be willing to match the funds raised under transportation and pedestrian improvements for the “gateway to Maryland”.

Mr. Kinter suggested featuring an article in the February 2006 issue of the *Crier* regarding the initiative. Ms. Tuohey said she felt launching the initiative at the Annual Meeting on April 17, 2006 would be beneficial due to the normal high attendance. Ms. Stephens also suggested working with the Historical Society to publicize the initiative.

Mr. Kinter thanked Mr. Josephs, Mr. Jundanian and Ms. West for their efforts in pursuing this initiative.

**Resolution No. 01-01-06: An Ordinance to amend Section 17-7 of the Village Code to prohibit the pruning of any tree in the Village Tree Inventory without a permit from the Village Manager.** Mr. Podolsky stated that the ordinance discussed at the December 2005 meeting had been reworded to apply only to trees in the Village’s Tree Inventory. Dr. Kamerow asked that an article explaining the ordinance be included in the February 2006 issue of the *Crier* so residents understand the application of the ordinance. Mr. Biddle explained that the ordinance would not apply to utility companies because they have the right to clear branches away from their lines. Mr. Podolsky added that the penalty for violating the revised ordinance would be \$1,000. Discussion followed.

**Mr. Winstead made a motion to approve Resolution No. 01-01-06. Ms. Feldman seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Feldman, Ms. Stephens and Mr. Winstead voted in favor of the motion. The motion passed.**

**Resolution No. 01-02-06: Amendment of fee schedule relating to the Village Building Code.** Based upon experience with three new house construction projects, Mr. Biddle requested expedited approval of the fees for the construction of new houses and the demolition of more than 50% of the exterior features of existing structures. Mr. Biddle explained that the proposed fees would cover the cost of staff, Legal Counsel and outside expert consultation. Discussion followed.

**Dr. Kamerow made a motion to approve Resolution No. 01-02-06 to increase the fee for new residential construction to \$5,000 and to increase the fee for Building Code Appeals—Special Permit for demolition to \$2,250. Ms. Stephens seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Feldman, Ms. Stephens and Mr. Winstead voted in favor of the motion. The motion passed.**

Mr. Kinter asked Mr. Biddle to draft a cost estimate table for staff time and roadway wear and tear for review at the Board’s February 13, 2006 meeting. Ms. Stephens expressed a desire to have the fees for accessory buildings and garages raised more than what Mr. Biddle proposed. Mr. Winstead asked for an article to be included in the February 2006 issue of the *Crier* explaining the increase and what the fees include.

Mr. Winstead requested an update on the surrounding communities' initiative against mansionization. Mr. Biddle replied that the initiative for an overlay zone stalled once Montgomery County reduced the maximum building height for homes within the R-60 zone in November 2005. Reducing the maximum height also reduces the house's total mass. Staff will continue to monitor the local municipalities' progress. Discussion followed.

#### **Tree Type Distinctions: Canopy vs. Ornamental**

Mr. Biddle stated that in a continuing effort to make the permitting process less burdensome for residents, there is an opportunity to modify the Code to apply to canopy trees only. Ms. Feldman asked how the staff would define a "canopy" tree. Mr. Biddle replied that the classification would apply to any tree defined by the National Arbor Association as a tree that would achieve a mature height of 45-feet or more. The Board directed staff to further investigate this matter.

Mr. Winstead asked if Newlands Park would be replanted upon completion of the storm drain project. Mr. Biddle replied that 7 trees in the park were transplanted and that trees that were too large for transplantation were removed. Planting will be undertaken after the storm drain project is complete and in connection with the Connecticut Avenue project. The County will supply some trees as well.

#### **New Business**

##### **Resolution No. 01-03-06: Resolution of Intent (National Flood Insurance Program).**

Mr. Biddle stated that he had received calls from residents stating they were not able to obtain financing because the Village is not included in the National Flood Insurance Program. Administrative Assistant, Michael Younes, discovered that a Resolution of Intent was sufficient to allow the Village to be enrolled in the National Flood Insurance Program. This resolution will allow residents to participate in the federal flood insurance program. Discussion followed.

**Ms. Stephens made a motion to approve Resolution No. 01-03-06. Ms. Feldman seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Feldman, Ms. Stephens and Mr. Winstead voted in favor of the motion. The motion passed.**

#### **Contract and Procurement Notification Procedure**

Ms. Feldman stated that the Board approved a resolution at the December 12, 2005 Board meeting requiring the Village Manager to notify the Board of any procurements or contracts that are entered into totaling more than \$2,500, but that the Board did not determine an actual notification procedure. The members present stated that they would prefer to be notified via email.

#### **Chair's Report**

None.

#### **Manager's Report**

**Replacement of the Tractor-Loader**

Mr. Biddle requested authorization to amend the budget to accommodate replacement of the tractor-loader by lease through June 30, 2006 and then to purchase it within ten days of the next fiscal year beginning on July 1, 2006.

**Ms. Feldman made a motion to approve amending the FY2006 budget to transfer \$9,000 from reserves to Public Works Vehicle Purchases for the lease of a tractor-loader. Mr. Winstead seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Feldman, Ms. Stephens and Mr. Winstead voted in favor of the motion.**

**Primrose Storm Water Project**

Mr. Biddle reported that the crews hit the sewer line at 6403 Connecticut Avenue, the Von Endt residence. The crew is going to back up 150 feet and trench deeper to go beneath Mr. Von Endt's sewer line. Miss Utility did not know the sewer line was there because it is an old terra cotta pipe.

**Village Hall**

Mr. Biddle advised that sealing off access to the post office should be complete within the next three weeks.

**Annual Meeting**

Mr. Biddle asked the Board if they were interested in rescheduling this year's annual meeting because it falls on Easter Monday. The Board decided not to change the date.

**Chevy Chase Center--Blasting Damage**

Mr. Biddle said he hoped to hear from David Smith within the next ten days with a verbal offer, after which a written offer would be drafted. If accepted, later lawsuits by the affected residents would be precluded. The total claim amount submitted by the residents is \$110,000.

**Grove Street Lots**

Mr. Biddle explained that issues with the fence along the rear of the two lots continue to be worked through. Dr. Kamerow thanked Mr. Biddle for his continued surveillance and assistance with this situation and stated he felt it had reached a successful conclusion. Mr. Winstead asked if additional screening, such as evergreens, could be planted between the buffer path and the driveway at 5406 Grove Street. Mr. Biddle replied that the irrigation system would be installed in the buffer within the coming weeks and that screening could be planted thereafter. Discussion followed.

**Police Report**

Copies of the Police Report were distributed to the Board prior to the meeting. Discussion followed regarding the amount of time the officers spent on patrol. Mr. Winstead inquired of the percentage between patrol and house checks. Ms. Hawkins-Green replied that the amount of time spent on routine patrol depends on the number of house checks requested and that when performing house checks, the officers also patrol the surrounding areas. Discussion followed.

**Mr. Kinter made a motion to adjourn the open meeting to meet in a closed session regarding a personnel matter (Village Manager's performance evaluation and compensation). Dr. Kamerow seconded the motion. Mr. Kinter, Dr. Kamerow, Ms. Feldman, Ms. Stephens and Mr. Winstead voted in favor of the motion. The motion passed. The meeting adjourned at 9:20 p.m.**

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Secretary, Chevy Chase Village Board of Managers

*Final.*